



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO: BRIAN MCCORMICK**  
Regulatory and Manual Section Manager  
Department of Medical Assistance Services

**FROM: REATHA B. KAY**  
Special Counsel to DMAS

**DATE: June 9, 2006**

**SUBJECT: Proposed Regulations concerning Alzheimer's Assisted Living Waiver ("AAL Waiver")**

I have reviewed the attached proposed regulations concerning the establishment of the AAL Waiver.

Based on that review, it is this Office's view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to promulgate regulations to establish the AAL Waiver. The changes were first made by the promulgation of emergency regulations.

The authority for the previously promulgated emergency regulation is the 2005 Appropriation Act (2005 Virginia Acts of Assembly, Chapter 951) Item 326(SS). These regulations will ensure that DMAS complies with this mandate of the General Assembly.

Brian McCormick

June 9, 2006

Page 2

If you have any questions or need any additional information, please feel free to call me at 786-1841.

cc: Kim F. Piner, Esquire

Attachment